

Message Text

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ACTION AF-08

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 DHA-02 /081 W

-----111841Z 127805 /47

P R 111650Z MAR 77

FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC PRIORITY 5820

INFO AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

AMEMBASSY PRETORIA

USMISSION USUN NEW YORK

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E. O. 11652: N/A

TAGS: PINT SF

SUBJ: SAG MOVES TO RESTRICT PRESS FREEDOM

1. SUMMARY. NEWSPAPER BILL, INTRODUCED IN PARLIAMENT MARCH 11, PROVIDES GOVERNMENT WITH SWEEPING AUTHORITY TO CONTROL PRESS. BILL ESTABLISHES PRESS CODE WHICH MUST BE ADHERED TO BY ALL NEWSPAPERS AND MAGAZINES. IT SETS OUT BROAD RANGE OF SUBJECTS AND SITUATIONS WHICH PRESS IS ENJOINED TO TREAT WITH "EXCEPTIONAL CARE AND RESPONSIBILITY." PRESS COUNCIL, WITH MAJORITY OF MEMBERS APPOINTED BY SAG, IS TO DECIDE WHEN CODE IS VIOLATED AND TO IMPOSE PENALTY. PENALTIES INCLUDE REPRIMAND, FINES UP TO R10,000, AND SUSPENSION OF PUBLICATION. NO APPEAL TO COURTS IS POSSIBLE; NO CIVIL OR CRIMINAL ACTION MAY BE TAKEN AGAINST STATE, COUNCIL OR COUNCIL MEMBERS IN CONNECTION WITH COUNCIL DECISIONS; IT IS A PUNISHABLE OFFENSE TO "INSULT, DISPARAGE, OR BELITTLE" COUNCIL MEMBERS. END SUMMARY.

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2. INTERIOR MINISTER CONNIE MULDER INTRODUCED NEWSPAPER BILL IN PARLIAMENT ON MARCH 11. PUBLISHED SAG EXPLANATION FOR BILL STATES THAT "HIGH PREMIUM IS PLACED ON THE FREEDOM OF THE PRESS," BUT THAT COMPLAINTS ARE "CONTINUALLY RECEIVED" THAT CERTAIN PUBLISHED MATTER IS OFFENSIVE TO MORAL STANDARDS, DETRIMENTAL TO PUBLIC WELFARE, OR HARMFUL TO RACE RELATIONS. AS RESULT,

LEGISLATIVE ACTION FOR PRESS CODE, ITS ENFORCEMENT,
AND PUNISHMENT OF GUILTY PARTIES IS NECESSARY.

3. BILL SETS OUT NEW PRESS CODE WITH WHICH ALL NEWS-
PAPERS AND MAGAZINES WILL BE REQUIRED TO COMPLY. CODE
STATES THAT ALL NEWS REPORTS MUST BE BALANCED AND IN
CORRECT CONTEXT, WITH NO DISTORTION, EXAGGERATION,
MISREPRESENTATION OR INCORRECT ACCENTUATION. NEWS
COMMENT MUST ALSO BE BALANCED IN REGARD TO ALL MATERIAL
FACTS. "EXCEPTIONAL CARE AND RESPONSIBILITY" MUST BE
EXERCISED IN SUBJECTS WHICH MAY CAUSE ENMITY OR GIVE
RACIAL OFFENSE OR INCITE PERSONS TO CONTRAVENE LAWS,
MATTERS THAT MAY DETRIMENTALLY AFFECT THE SAFETY, PEACE,
GOOD ORDER, AND DEFENSE OF THE STATE, AND REPORTS DEALING
WITH VIOLENCE. NEWSPAPERS ARE ALSO TO ENSURE THEIR
REPORTING DOES NOT PREJUDICE RELATIONS BETWEEN DIFFERENT
NATIONS AND POPULATION GROUPS OF THE REPUBLIC, DAMAGE
THE NAME OF THE REPUBLIC ABROAD, OR ENDANGER THE GOOD
ORDER AND SAFETY OF THE STATE.

4. BILL PROVIDES FOR THE ESTABLISHMENT OF A PRESS
COUNCIL WITH THREE OR FIVE MEMBERS TO DECIDE WHEN
PRESS CODE HAS BEEN VIOLATED AND TO DECIDE ON PUNISH-
MENT. CHAIRMAN AND HALF OF MEMBERS TO BE APPOINTED
BY SAG, WITH OTHER HALF TO BE APPOINTED FROM LIST TO
BE MADE UP BY PRESS UNION OF SOUTH AFRICA. CHAIRMAN
MUST BE A JUDGE OR RETIRED JUDGE OF SUPREME COURT.

5. WORKING CLAUSES OF BILL PROVIDE THAT ANYONE DIS-
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SATISFIED WITH ANY PRESS REPORT MAY SUBMIT WRITTEN
COMPLAINT TO PRESS COUNCIL WITH 21 DAYS. NEWSPAPER
CONCERNED THEN HAS 14 DAYS TO COMMENT ON COMPLAINT.
COMPLAINANT AND REPRESENTATIVE OF NEWSPAPER OR THEIR
COUNSEL MAY APPEAR OR BE REQUIRED TO APPEAR BEFORE
COUNCIL TO GIVE EVIDENCE, UNDER OATH IF REQUIRED.
PRESS COUNCIL MEETINGS WILL NORMALLY BE OPEN TO PUBLIC.
REFUSING TO APPEAR OR ANSWER QUESTIONS WHEN CALLED
WILL BE AN OFFENSE. PRESS COUNCIL WILL BE REQUIRED TO
PUBLISH REASONS FOR ITS DECISIONS.

6. IF PRESS COUNCIL FINDS PRESS CODE HAS BEEN CONTRA-
VENED, IT MAY: (A) REPRIMAND PERSON MAINLY RESPONSIBLE
OR IMPOSE FINE UP TO R1,000, (B) IMPOSE FINE UP TO
R10,000 ON OWNER OF NEWSPAPER, (C) SUSPEND PRINTING
AND PUBLICATION OF NEWSPAPER CONCERNED FOR WHATEVER
PERIOD IT DETERMINES. DECISIONS OF PRESS COUNCIL WILL
NOT BE SUBJECT TO APPEAL TO COURTS. CIVIL OR CRIMINAL
PROCEEDINGS AGAINST STATE, PRESS COUNCIL, OR ANY MEMBER

OF COUNCIL IN REGARD TO THEIR DECISIONS WILL NOT BE ALLOWED. IT WILL ALSO BE AN OFFENSE TO "INSULT, DISPARAGE OR BELITTLE" A MEMBER OF THE COUNCIL OR TO ANTICIPATE ITS FINDINGS.

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7. OPPOSITION SHOWED EXTREME DISPLEASURE WITH MEASURE BY TAKING UNUSUAL STEP OF OPPOSING BILL AT ITS FIRST READING ON MARCH 11, BEFORE HAVING SEEN ACTUAL TEXT. UP AND PRP SPOKESMEN ATTACKED LIKELIHOOD OF BILL ULTIMATELY RESULTING IN INFRINGEMENT OF BASIC FREEDOM AND GOVERNMENT CONTROL OF PRESS. IUP INDICATED THAT IT WOULD PROBABLY VOTE WITH GOVERNMENT. FIRST NP SPOKESMAN TO DEFEND BILL WAS F.W. DE KLERK, BROTHER OF EDITOR OF DIE TRANSVALER.

8. INTRODUCTION OF BILL FOLLOWS COLLAPSE TWO DAYS EARLIER OF SECRET NEGOTIATIONS BETWEEN VORSTER AND NEWSPAPER PRESS UNION (NPU) TO REACH VOLUNTARY PRESS CODE. SAG UNILATERAL ACTION TO IMPOSE CODE IS OPPOSED BY NPU, WHICH REPRESENTS ALL AFRIKAANS AND ALL BUT ONE ENGLISH PAPER, AND BY CONFERENCE OF EDITORS, WHICH REPRESENTS ALL EDITORS, AFRIKAANS AND ENGLISH.

9. COMMENT. THIS LEGISLATION COMPLETES THE CIRCLE OF SAG
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PRESS CONTROL AND CENSORSHIP MEASURES. WHEN THE CURRENT SESSION OF PARLIAMENT OPENED, THE GOVERNMENT ALREADY HAD THE POWER TO IMPOSE CENSORSHIP OVER ALL MEANS OF COMMUNICATION, INCLUDING THE PRESS, IN TIME OF WAR. THAT AUTHORITY WAS EXTENDED IN FEBRUARY TO COVER PERIODS OF INTERNAL DISORDER IN PEACETIME (CAPE TOWN 283). THE BILL INTRODUCED TODAY EXTENDS GOVERNMENT AUTHORITY OVER THE PRESS TO ALL OTHER CIRCUMSTANCES. THIS MOVE UNDERSCORES THE DETERMINATION OF VORSTER'S GOVERNMENT TO CONTROL THE PRESS IN ACCORDANCE WITH ITS WISHES. THE LAAGER IS BEING DRAWN TIGHTER.

10. COPIES OF THE NEWSPAPER BILL AND THE ACCOMPANYING EXPLANATORY MEMORANDUM WILL BE POUCHED TO THE DEPARTMENT.BOWDLER

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